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Docket No.: 2242(225436)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jack D. Anderson

Application No.: 10/691,269

Confirmation No.: 8614

Filed: October 22, 2003

Art Unit: 1637

For: MODIFIED NUCLEOTIDES AND METHODS
OF LABELING NUCLEIC ACIDS

Examiner: J. Riley

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed June 21, 2006, applicant hereby provisionally elects Group 1, claims 1-12, 25-28, 30 and 31, with election of the first structure in claim 27, maleimide, for the F moiety, and pyranofuranose of claim 7 for the sugar, for continued examination, with traverse.

The Examiner has required restriction between claims 1-12, 25-28, 30 and 31, (Group I) drawn to a nucleotide, claim 15 (Group III) drawn to a labeled nucleotide, and claims 22 and 29 (Group VI) drawn to a polynucleotide. The Examiner has further required an election of one of each an F moiety and a sugar.

In the present case, although the claimed subject matter may be classified in different classes, a search of claims outside of Group I does not necessarily constitute an undue burden. Moreover, search of more than one of either or both the F moiety and the sugar, although chemically distinct, would not constitute an undue burden.

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Applicant respectfully requests reconsideration of restriction requirement and
rejoinder of the claims.

Dated: December 20, 2006

Respectfully submitted,

By

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